

ORIGINAL

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of )  
 )  
Advanced Television Systems )  
and Their Impact Upon the ) MM Docket No. 87-268  
Existing Television Broadcast )  
Service )

To: The Commission

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**OPPOSITION TO PETITION OF  
SHENANDOAH VALLEY EDUCATIONAL TELEVISION CORPORATION  
FOR PARTIAL RECONSIDERATION**

By its attorneys and pursuant to Section 1.429(f) of the Commission's rules, Jefferson-Pilot Communications Company ("Jefferson-Pilot"), licensee of WWBT(TV), Channel 12, Richmond, Virginia, hereby opposes the June 13, 1997 Petition of Shenandoah Valley Educational Television Corporation ("Shenandoah"), licensee of WVPT(TV), Channel 51, Staunton, Virginia, for partial reconsideration of the Commission's Sixth Report and Order ("Sixth R&O") in the above-captioned proceeding.<sup>1</sup>

Jefferson-Pilot's opposition is limited to Shenandoah's request that WVPT's paired channel for digital television ("DTV") service be changed from Channel 19 to Channel 11. In its own Petition for Reconsideration, Jefferson-Pilot has requested that it be assigned DTV Channel

<sup>1</sup> FCC 97-115, released April 21, 1997, 62 Fed. Reg. 26684 (May 14, 1997).

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11, in lieu of Channel 54, to provide digital transmissions to the WWBT service area.<sup>2</sup> While Jefferson-Pilot has not had the opportunity to complete a full technical review of the Shenandoah proposal, the proximity of Richmond to Staunton appears to foreclose assigning DTV Channel 11 to both licensees.<sup>3</sup>

In its Petition, Jefferson-Pilot set forth several public interest goals that would be served by the assignment of DTV Channel 11 to WWBT. First, the change would allow Jefferson-Pilot to avoid the business planning uncertainties inherent in the use of the DTV Channel 54, the paired channel currently designated for WWBT's digital operations. Because Channel 54 is outside the DTV "core spectrum," using that channel would force WWBT to relocate its digital operations at the end of the DTV transition period.<sup>4</sup> Jefferson-Pilot anticipates that the final home for its digital operations will be its current NTSC Channel 12.<sup>5</sup>

Further, in addition to necessitating a second channel change at the end of the transition period, use of Channel 54 presents significant engineering difficulties for WWBT because of the

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<sup>2</sup> See Petition of Jefferson-Pilot Communications Company for Reconsideration, MM Docket No. 87-268 (filed June 13, 1997) ("Jefferson-Pilot Petition"). Appendix B to the Sixth R&O indicates that the Commission allotted DTV channel 54 to WWBT.

<sup>3</sup> As indicated in its own petition, Jefferson-Pilot intends to file on or before August 22, 1997 a supplemental engineering study addressing the viability of its proposed change to DTV Channel 11 under the requirements set forth in OET Bulletin No. 69. See Jefferson-Pilot Petition at 2; Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, MM Dkt. No. 87-268, DA 97-1377 (rel. July 2, 1997) (order establishing deadline for filing of supplemental engineering information).

<sup>4</sup> See Sixth R&O at ¶ 83.

<sup>5</sup> See Sixth R&O at ¶¶ 36, 40, 84.

age and location of its current antenna tower.<sup>6</sup> As a result, WWBT may not be able to place Channel 54 in operation in as timely a manner or from the location indicated in the Commission's allotment table — thereby complicating the FCC's assignment and conversion process.

As Jefferson-Pilot previously explained, the substitution of DTV Channel 11 for WWBT's digital operations would resolve these difficulties. Use of Channel 11 will allow WWBT to colocate its DTV antenna on the same tower with its NTSC antenna, and it also will eliminate the need for designing and installing a UHF transmission system that would be rendered superfluous at the end of the transition period. Jefferson-Pilot expects that these efficiency gains will allow WWBT to bring digital service to its audience more quickly than would otherwise be the case, and the station commits to such a course of action to support a more rapid transition process, as the Commission has encouraged.

Shenandoah requests that it be permitted to use Channel 11, rather than Channel 19, for its digital operations in order to protect the translator station that it currently operates on Channel 19.<sup>7</sup> The Commission has determined, however, that secondary stations are not to be accorded the same status or level of interference protection given to full-power stations during the DTV transition.<sup>8</sup> Accordingly, the protection of Shenandoah's translator operations on Channel 19

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<sup>6</sup> See Jefferson-Pilot Petition at 3 (explaining difficulties in adapting current tower facility to bear the weight of the heavy transmission line needed for operating channel 54).

<sup>7</sup> See Shenandoah Petition at 1-4.

<sup>8</sup> See, e.g., Sixth R&O at ¶¶ 141-143.

should not be deemed to outweigh the public interest benefits that would result from a grant of the Jefferson-Pilot Petition.

Moreover, Shenandoah has made no attempt to show why its DTV operations would best be served by the substitution of Channel 11 for Channel 19, as opposed to one of the many other alternative channels that appear to be available. The preliminary engineering study conducted by the Association for Maximum Service Television (“MSTV”), in conjunction with the National Association of Broadcasters (“NAB”) and others, indicate that Shenandoah’s DTV operations could be moved to one of 12 other VHF or UHF channels certain to be within the DTV core spectrum: channels 8, 16, 22, 23, 24, 25, 34, 39, 43, 44, 45, and 47 appear to be available alternatives, along with other channels located higher in the UHF band.<sup>9</sup> While Jefferson-Pilot has no objection to the assignment of an alternative channel to Shenandoah for use by WVPT, Channel 11 should not be used for that purpose if to do so would deprive WWBT — and, ultimately, its viewing audience — of the benefits of more timely and effective DTV operations on that channel.

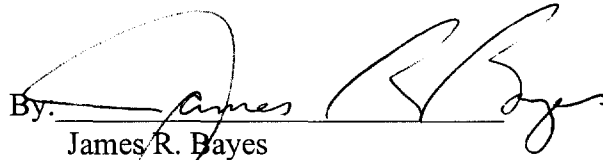
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<sup>9</sup> See MSTV & NAB, “Alternative DTV Channel Assignments in the Continental United States” (dated May 28, 1997, and available on the NAB web site, [www.nab.org](http://www.nab.org))

For the foregoing reasons, Jefferson-Pilot respectfully requests that the Commission deny the Shenandoah Petition and, instead, grant the Jefferson-Pilot Petition.

Respectfully submitted,

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July 18, 1997

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Opposition to Petition of Shenandoah Valley Educational Television Corporation for Partial Reconsideration was served via First Class mail this 18<sup>th</sup> day of July, 1997, to the following:

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A handwritten signature in black ink, appearing to read "Erin McCue - Sari", written over a horizontal line.

Erin McCue Sari

\* Hand delivery